

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Debra J. Youngdahl,

Plaintiff,

v.

ORDER

Civil No. 13-2468 ADM/TNL

DePuy Orthopaedics, Inc., and
Simpson & Associates, Inc.,

Defendants.

Rolf Fiebiger, Esq., Timothy J. Becker, Esq., and Lisa Ann Gorshe, Esq., Johnson Becker PLLC, Minneapolis, MN, on behalf of Plaintiff.

Scott A. Smith, Esq., Tracy J. Van Steenburgh, Esq., and Jan R. McLean Bernier, Esq., Nilan Johnson Lewis PA, Minneapolis, MN, on behalf of Defendants.

On November 7, 2013, the undersigned United States District Judge heard oral argument on Defendants DePuy Orthopaedics, Inc. (“DePuy”) and Simpson & Associates, Inc.’s Motion to Stay [Docket No. 4]. The Court deferred hearing Plaintiff Debra J. Youngdahl’s Motion to Remand [Docket No. 8] and took Defendants’ Motion to Strike Pleading [Docket No. 25] under advisement based on the briefing. For the reasons stated below, the motion to stay is granted and the motion to strike is denied.

The United States Judicial Panel on Multidistrict Litigation (“MDL Panel”) has held the Northern District of Ohio is an “appropriate Section 1407 forum for actions sharing factual questions arising from alleged injuries from DePuy’s recalled ASR XL Acetabular Hip System.” See In re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation, MDL No. 2197, Transfer Order, April 16, 2012. In April 2012, the MDL transferred Anderson, et al. v. Simpson & Associates, Inc., et al., formerly United States District Court of Minnesota case no.

11-cv-3554, to the Northern District of Ohio. Plaintiff agrees that the present action has “almost the exact same facts and involv[es] these same Defendants.” Pl.’s Mem. Opp’n to Stay [Docket No. 16] 1. Furthermore, Plaintiff has offered no distinction between the legal issues of this case and Anderson. Respecting the uniformity, consistency, and predictability in litigation that underlies the multidistrict litigation system, a stay is appropriate until the MDL Panel decides whether to transfer this action. See 28 U.S.C. § 1407. Therefore the Court grants Defendants’ motion to stay and denies Defendants’ motion to strike as moot.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS
HEREBY ORDERED** that:

1. Defendants’ Motion to Stay [Docket No. 4] is **GRANTED**;
2. Plaintiff’s Motion to Remand is **DEFERRED** pending the MDL’s transfer decision; and
3. Defendants’ Motion to Strike Pleading [Docket No. 25] is **DENIED** as moot.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: November 8, 2013.